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 Novell, Inc.*

**UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION**

SOFTVAULT SYSTEMS, INC.,

Plaintiff,

vs.

NOVELL, INC.,

Defendant.

Civil Case No. 5:12-cv-05541-LHK

**STIPULATED MOTION TO MODIFY  
 SCHEDULE, ~~PROPOSED ORDER~~,  
 AND DECLARATION OF COUNSEL**

**STIPULATED MOTION**

On February 4, 2013, the Court entered its “Minute Order and Case Management Order” (“Scheduling Order,” ECF No. 23) in the above-captioned action (“Action”) and in two companion actions: *SoftVault Systems, Inc. v. Research in Motion*, Case No. 12-CV-5544 LHK (“RIM Action”) and *SoftVault Systems, Inc. v. International Business Machines Corporation*, Case No. 12-CV-5546 LHK (“IBM Action”). The RIM Action has since settled and been dismissed.

On March 22, 2013, the Court entered a “Modified Scheduling Order” (“Scheduling Order,” ECF No. 32) in the above-captioned action (“Action”). In the last month, Defendant Novell, Inc. (“Novell”) retained the above-named counsel and the parties agreed to participate in mediation on Wednesday, June 5, 2013. In light of Novell’s new counsel and the upcoming mediation, the parties stipulate to the below request that the Court continue certain deadlines imposed by the Scheduling Order.

Specifically, Novell and Plaintiff SoftVault Systems, Inc. (“SoftVault”) move the Court to modify the Scheduling Order as set forth in the following table:

<b>Event</b>	<b>Modified Scheduling Order</b>	<b>Proposed Schedule</b>
Last day to amend pleadings	May 30, 2013	No change
Invalidity contentions and accompanying document production (Patent L.R. 3-3, 3-4)	May 30, 2013	June 21, 2013
Exchange of proposed terms for construction (Patent L.R. 4-1)	June 6, 2013	July 1, 2013
Exchange of preliminary claim constructions and extrinsic evidence (Patent L.R. 4-2)	June 20, 2013	July 8, 2013
Joint claim construction and prehearing statement (Patent L.R. 4-3)	July 3, 2013	July 15, 2013
Completion of claim construction discovery (Patent L.R. 4-4)	July 18, 2013	No change
Opening claim construction brief (Patent L.R. 4-5(a))	July 25, 2013	No change
Opposing claim construction brief (Patent L.R. 4-5(b))	August 15, 2013	No change
Reply claim construction brief (Patent L.R. 4-5(c))	August 23, 2013	No change
Technology tutorial	September 12, 2013	No change
Claim construction hearing (Patent L.R. 4-6)	September 19, 2013	No change

The proposed modifications do not affect the technology tutorial and claim construction hearing dates or reduce the time available to the Court to review materials between the conclusion of claim construction briefing and the claim construction hearing.

Accordingly, Novell and SoftVault, by and through their respective undersigned counsel, respectfully request that the Court enter an order modifying the schedule as set forth above.

Undersigned counsel for Novell attests that she has obtained the concurrence of below identified counsel for SoftVault in the filing of this document.

1 DATED: May 29, 2013

TURNER BOYD LLP

2  
3 By /s/ Karen Boyd

Karen Boyd

4 Attorney for Defendant Novell, Inc.

5  
6 DATED: May 29, 2013

FRIEDMAN, SUDER & COOKE

7  
8 By /s/ Corby R. Vowell (with permission)

Corby R. Vowell, Esq.

9 Attorneys for Plaintiff SoftVault Systems, Inc.

10  
11 **[Proposed] ORDER**

12 PURSUANT TO STIPULATION OF THE PARTIES, IT IS SO ORDERED.

13  
14 DATED: May 29, 2013

15  
16 By Lucy H. Koh

Lucy H. Koh

17 UNITED STATES DISTRICT JUDGE

## Local Rule 6-2(a) Declaration

Pursuant to Local Rule 6-2(a), Novell's undersigned counsel declares, under penalties of perjury under the laws of the United States of America (and using terms as defined in the foregoing "Stipulated Motion to Modify Schedule"), that:

1. The reasons for seeking the continuances requested by the Stipulated Motion to Modify Schedule are twofold. First, Novell has recently requested some additional time in light of having retained new counsel. Second, Novell and SoftVault have scheduled a mediation for June 5, 2013, and approving the modifications requested in this Stipulated Motion to Modify Schedule will increase the likelihood that the dispute may be resolved before substantive engagement of the issues by the Court.
2. On May 1, 2013, Novell and SoftVault stipulated to modify certain deadlines contained in the Court's February 24, 2013 Scheduling Order.
3. The modifications requested by the Motion to Modify Schedule will not affect the schedule for the Action other than as set forth in the Motion to Modify Schedule.

/s/ Karen Boyd

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Respectfully Submitted,

TURNER BOYD LLP

Dated: May 29, 2013

/s/ Karen I. Boyd

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